

REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on August 16, 2022 at Kyle City Hall with the following persons present:

Mayor Travis Mitchell	Mario Perez
Mayor Pro Tem Robert Rizo	Travis Donnell
Council Member Yvonne Flores-Cale	Stephanie Leibe
Council Member Ashlee Bradshaw	Joe Cantalupo
Council Member Daniela Parsley	Jeff Barton
Council Member Michael Tobias	David Harding
Jerry Hendrix, Acting City Manager	Braxton Adamson
Amber Lewis, Assistant City Manager	Justin Cadieux
Paige Saenz, City Attorney	Kerman Hammond
Rachel Sonnier, Communications Director	Rose Burke
Grant Bowling, Video Production Specialist	Phoenix Askevich
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Victoria Vargas, Interim Econ. Dev Director	
Perwez Moheet, Finance Director	
Connie Campa, Senior Financial Analyst	
Sandra Duran, HR Director	
Kristiana Spencer, Human Resources Manager	
Matt Dawson, IT Director	
Marco Forti, IT Systems Administrator	
Cara Waits, Interim Library Director	
Mariana Espinoza, Parks & Recreation Director	
Benito Pereda, Parks & Trails Maint. Supervisor	
Aimee Garcia, Recreation Manager	
William Atkinson, Interim Planning Director	
Jeff Barnett, Chief of Police	
Pedro Hernandez, Police Captain	
Tim Griffith, Police Lieutenant	
Philip Cleary, Police Officer	
Krissi Milliken, Emerg. Comm. Manager	
Hannah-Bea Bickford, Victim Advocate	
Briana Geddes, Animal Control Officer	
Harper Wilder, Director of Public Works	
Will Paiz-Tabash, Emerg. Mgmt. Coordinator	
David Amsler, Management Analyst	
Tim Croyley, Facilities Division Manager	
Chance Padier, ES&T Division Manager	

I. Call Meeting to Order

Mayor Mitchell called the meeting to order at 7:08 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Rizo, Council Member Flores-Cale, Council Member Bradshaw, Council Member Parsley, and Council Member Tobias. A quorum was present.

II. Approval of Minutes

1. City Council Special Meeting Minutes - July 28, 2022. ~ *Jennifer Holm, City Secretary*
2. City Council Special Meeting Minutes - August 2, 2022. ~ *Jennifer Holm, City Secretary*
3. City Council Meeting Minutes - August 2, 2022. ~ *Jennifer Holm, City Secretary*

Council Member Tobias moved to approve the minutes of the July 28, 2022 Special Council Meeting, August 2, 2022 Special Meeting, and the minutes of the August 2, 2022 Regular Meeting. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

III. Citizen Comment Period with City Council

Mayor Mitchell opened citizen comments at 7:09 p.m.

Mayor Mitchell stated that Angelita Tobias registered her position (without testifying) against Item No. 29. In her written testimony, she stated that there are trees that are turning brown now and the project has not been finished.

Mario Perez was called to speak as registered. He spoke about Item No. 26, saying the land is a floodplain. He spoke about a FEMA map from 2005 and stated that if the City has a 100-year storm event, some of that property will be flooded along with Marketplace Avenue. He spoke about the 2015 flood and stated it was a 500-year historic flood event. He stated that every development or redevelopment must have an ingress/egress for property located outside of the 100-year flood and provisions for emergency vehicles to access the property in the event of an emergency. He then spoke about a study from 2018 that stated on average the 100 year 24-hour rainfall amount in Kyle has increased from 10.4 inches to 13.2 inches. He stated that the 100-year storm event is now 50-year event, and a 500-year event is now like a 100-year event.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:13 p.m.

IV. Agenda Order

4. Agenda Order. ~ *Travis Mitchell, Mayor*

No action was taken.

V. Presentation

5. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *Jerry Hendrix, Acting City Manager*
 - Last Budget Worksession
 - Reschedule Oct 4 Council Meeting
 - Boards and Commissions Openings
 - Change in pool hours

- National Honeybee Day - August 20
- National Dog Day - August 26
- Scenic City Certification
- Pie in the Sky Day Celebration - September 3
- Heroes Memorial Park Ribbon Cutting - September 11
- Team Kyle Update

Mr. Hendrix, Ms. Sonnier, and Ms. Espinoza presented the item. The Council consensus was to move the regularly scheduled October 4th meeting to Monday, October 3rd. Chief Barnett recognized outgoing Emergency Communications Manager Krissi Milliken for her 14 years of service to the City. Mr. Hendrix recognized outgoing IT Director Matt Dawson for his service to the City. No action was taken.

6. Emergency Management Briefing. ~ *William Paiz-Tabash, Emergency Management Coordinator*

No action was taken.

7. CIP/Road Projects and Consent Agenda Presentation. ~ *Leon Barba, P.E., City Engineer*

In addition to Mr. Barba's report, Mr. Hendrix presented on the pumps at the Heroes Memorial Park as well as the watering restrictions due to the ongoing drought. No action was taken.

VI. Consent Agenda

Mayor Mitchell stated that Item No. 14 would be postponed. Mayor Mitchell brought forward Item Nos. 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18 for consideration.

8. *(Second Reading)* An ordinance of the City of Kyle, Texas, Ordering a General Election to be held jointly with Hays County on November 8, 2022, for the Election of Council Members for City Council District 1 and District 3 to serve three-year terms; Providing for candidate application methods, designating the main and branch early voting locations for such Election; Providing for an order and notice of such general election; Providing for related matters; Providing a severability clause; and Providing an effective date. ~ *Travis Mitchell, Mayor*

City Council voted 6-0 to approve on first reading on 8/2/2022.

9. Approve Walk-On's Sports Bistreaux - Site Plan (SD-22-0140) 2.96 acres; 1 commercial lot located at southwest corner of FM 1626 and Kohler's Crossing. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval.

10. Approve Plum Creek Phase 2, Section 5 - Preliminary Plan (SUB-22-0262) 101.70 acres; 421 single family lots and 13 open space lots for property located between FM 1626 and FM 2770, north of Rikardson. ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval.

11. Approve a Resolution to record the annual review of the City's Investment Policy as required by the Public Funds Investment Act (PFIA) and to document findings that no changes to the policy or to the investment strategies are necessary in the 2022 review. ~ *Perwez A. Moheet, CPA, Director of Finance*
 12. Authorize the execution of a three-year agreement with Spectrum Enterprise for fiber internet access for the Kyle Public Safety Center. ~ *Matt Dawson, Director of IT*
 13. Authorize the execution of a three-year agreement with Grande/Astound Communications for redundant fiber internet access and phones for the Kyle Public Safety Center. ~ *Matt Dawson, Director of IT*
 15. Approval of a Resolution of the City Council of the City of Kyle, Texas accepting the Talavera Phase 2 Subdivision improvements; finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
 16. Authorize award and execution of a Purchase Order to Kirby-Smith Machinery Inc. in an amount not to exceed \$25,450.00 for the purchase of one (1) Sullair 185-PE Towable Air Compressor through the Buyboard Purchasing Cooperative for the Street Construction Division in Public Works Department. ~ *Harper Wilder, Director of Public Works*
 17. Approve Change Order No. 1 to VIKING CONSTRUCTION, INC., Georgetown, Texas, in an amount of \$49,984.16 for a total contract amount not to exceed \$518,705.26 for additional resurfacing and striping as part of the 2022 Miscellaneous Streets Micro-Surfacing Project. ~ *Leon Barba, P.E., City Engineer*
 18. Consider and possible action on an agreement for the addition of a delivery point by and between the Alliance Regional Water Authority and the City of Kyle. ~ *Amber Lewis, Assistant City Manager*
- Mayor Pro Tem Rizo moved to approve Consent Agenda Item Nos. 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18. Council Member Tobias seconded the motion. Motion carried 6-0.

VII. Items Pulled from Consent Agenda

14. Approval of the dedication of a Utility Easement and approval of an Underground Agreement with Pedernales Electric Cooperative, Inc. for providing power to the newly constructed dewatering facility at the wastewater treatment plant. ~ *Leon Barba, P.E., City Engineer*

Item No. 14 was postponed without any action.

VIII. Consider and Possible Action

19. Consider and possible action on a First Year on Us Incentive Application. ~ *Victoria Vargas, Interim Economic Development Director*

- Texas Original

Mayor Mitchell stated that this item would be tabled. No action was taken.

20. Consider and possible action on a First Year on Us Incentive Application. ~ *Victoria Vargas, Interim Economic Development Director*

- Healing Energy

Mayor Mitchell recused himself from Item No. 20 and left the dais at 8:03 p.m. Mayor Pro Tem Rizo brought forward the item.

Ms. Vargas presented an application from Synchronicity Cryo and Wellness.

Council Member Flores-Cale moved to approve a First Year on Us Incentive application from Synchronicity Cryo and Wellness. Council Member Tobias seconded the motion. Motion carried 5-0.

Mayor Mitchell returned to the dais at 8:05 p.m.

21. Award a temporary contract to Clear & Present Plumbing LLC, Kyle, Texas, a licensed plumbing company, in order to maintain service level for new residential water meter installation requests at a flat rate of \$65.00 per water meter installed. ~ *David Amsler, Management Analyst*

Council Member Flores-Cale moved to award a temporary contract to Clear & Present Plumbing LLC, Kyle, Texas, a licensed plumbing company, in order to maintain service level for new residential water meter installation requests at a flat rate of \$65.00 per water meter installed. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

22. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 0.246 acres of land from 'W' (Warehouse) to 'RS' (Retail Services) for property located at 23091 IH-35 in Hays County, Texas. (Gilbert J. Guerra, P.E. - Z-22-0102) ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

- Public Hearing

Mayor Mitchell opened the public hearing at 8:11 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:11 p.m.

Mayor Mitchell moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas for the purpose of rezoning approximately 0.246 acres of land from 'W' (Warehouse) to 'RS' (Retail Services) for property located at 23091 IH-35 in Hays County, Texas. Council Member Parsley seconded the motion. Motion carried 6-0.

23. [Postponed 7/19/2022] *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 15.542 total acres of land from Retail Service District 'RS' to Planned Unit District – Mixed Use District 'PUD MXD' for property located at 5839 Kyle Parkway, in Hays County, Texas. (CTC Residential LLC - Z-22-0101) ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

The applicant asks for a second read of the zoning and requests for the second read to occur at the October 18, 2022 City Council meeting.

The Public Hearing was left open at the 7/19/2022 Council meeting.

- Public Hearing

Travis Donnell, representing the developer also spoke about the project.

Mayor Mitchell opened the public hearing at 8:43 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 8:43 p.m.

Council Member Flores-Cale moved to approve an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 15.542 total acres of land from Retail Service District 'RS' to Planned Unit District - Mixed Use District 'PUD MXD' for property located at 5839 Kyle Parkway, in Hays County, Texas. Council Member Tobias seconded the motion. Motion carried 6-0.

24. Approve a development agreement between the City of Kyle and Plum Creek Developers, LLC (Joe Brooks). ~ *Will Atkinson, Interim Director of Planning*

Mayor Mitchell moved to postpone Items 24 and 26 until the September 6, 2022 City Council Meeting. Council Member Tobias seconded the motion. Motion carried 6-0.

25. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 54.223 acres of land from 'RS' (Retail Services), 'R-1-T' (Townhomes), 'R-1-2' (Single Family Residential) & 'T/U' (Transportation/Utility) to 'PUD' (Planned Unit Development) for property located at 1500 E RR 150 in Hays County, Texas. (Jackson Walker LLP - Z-22-0103) ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 5-0 to recommend approval of the request.

Consider a request to delay consideration until the Sept. 6, 2022 City Council meeting.

- Public Hearing

Mayor Mitchell opened the public hearing at 9:00 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone an ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 54.223 acres of land from 'RS' (Retail Services), 'R-1-T' (Townhomes), 'R-1-2' (Single Family Residential) & 'T/U' (Transportation/Utility) to 'PUD' (Planned Unit Development) for property located at 1500 E 150 in Hays County, Texas until the September 6, 2022 City Council Meeting. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

27. Consider and possible action to approve Cadence McShane as the most qualified firm for the Construction Manager at Risk for the 104 S. Burluson building project and to authorize the City Manager to negotiate the contract for services. ~ *Amber Lewis, Assistant City Manager*

Mayor Mitchell moved to approve Cadence McShane as the most qualified firm for the Construction Manager at Risk for the 104 S. Burleson building project and to authorize the City Manager to negotiate the contract for services. Council Member Parsley seconded the motion. Motion carried 6-0.

28. Consideration and approval of an Ordinance calling a Bond Election to be held in the City of Kyle, Texas; Making provision for the conduct of a joint election; and resolving other matters incident and related to such election. ~ *Travis Mitchell, Mayor*

Ms. Stephanie Leibe, City's Bond Counsel, presented the item. It was Council consensus to have a second reading on August 22. Mr. Barba presented on the item. Mr. Joe Cantalupo of K Friese and Associates presented on the item. Mr. Jeff Barton with GAP Strategies also presented on the item.

Mayor Mitchell moved to direct staff to remove the two roundabouts on Center Street and prepare a new scope of work for calling the Bond Election and to direct staff to set a special meeting for the consideration of this item on Monday, August 22, 2022 at 7:00 p.m. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

26. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 18.84 acres of land from 'RS' (Retail Services) to 'PUD' (Planned Unit Development) for property located approximately 400' southwest of the intersection of Marketplace Ave & City Lights Dr. in Hays County, Texas. (Joe Brooks - Z-22-0099) ~ *Will Atkinson, Interim Director of Planning*

Planning and Zoning Commission voted 3-2 to recommend approval of the request.

- Public Hearing

With no objections Mayor Mitchell reconsidered Item No. 26 after Item No. 28.

Mayor Mitchell opened the public hearing at 9:26 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone Item No. 26 to September 6, 2022. Council Member Tobias seconded the motion. Motion carried 6-0.

29. [Postponed 8/2/2022] Consideration and possible action to approve 1-Year Landscape Maintenance at Heroes Memorial Park in an amount not to exceed \$90,059.00. ~ *Ryan Rosborough, AG|CM*

* \$90,059.00 = \$70,059.00 (In Contract Landscaping Per Attached Quote) + \$20,000 (Out of Contract Allowance for Additional Landscaping Options for Parks Dept. Consideration Throughout the Year)

Mr. David Harding presented the item.

Council Member Parsley moved to direct staff to engage Brightview to bring back a quote that includes the same scope of services as Cleanscapes for comparison. Council Member Flores-Cale seconded the motion. Motion carried 4-2 with Mayor Mitchell and Council Member Tobias dissenting.

30. [Postponed 8/2/2022] Consider and possible action to approve a Resolution of the City Council Authorizing and Creating the Limestone Creek Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code; resolving other matters incident and related thereto; and providing an effective date. ~ *Amber Lewis, Assistant City Manager*

- Public Hearing

The public hearing was left open at the 8/2/2022 Council meeting.

Mayor Mitchell called a recess at 9:52 p.m. Mayor Mitchell called the meeting back to order at 10:05 p.m.

Mayor Mitchell opened the public hearing at 10:06 p.m. With no one wishing to speak, Mayor Mitchell left the public hearing open.

Mayor Mitchell moved to postpone this item to the next regularly scheduled meeting. Council Member Parsley seconded the motion. Motion carried 6-0.

31. Consider a request by Justin Cadieux on behalf of Manjal Kyle, LLC for a Right-of-Way and Street pavement width waiver Section 41-137(k)(1) collector street right-way from 60' to 50' and pavement width from 38' to 32'. ~ *Will Atkinson, Interim Director of Planning*

Braxton Adamson and Justin Cadieux spoke on the item.

Council Member Parsley moved to approve a request by Justin Cadieux on behalf of Manjal Kyle, LLC for a Right-of-Way and Street pavement width waiver Section 41-137(k)(1) collector street right-way from 60' to 50' and pavement width from 38' to 32'. Council Member Tobias seconded the motion. Motion carried 6-0.

32. Authorize award and execution of a Purchase Order to BRIGHTVIEW LANDSCAPE DEVELOPMENT not to exceed \$264,837.25 for irrigation at Gregg-Clarke Park. ~ *Mariana Espinoza, Director of Parks & Recreation*

Council Member Flores-Cale moved to award and execution of a Purchase Order to Brightview Landscape Development not to exceed \$264,837.25 for irrigation at Gregg-Clarke Park. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

33. Discuss and consider possible recommendation regarding support for Central Texas AMVETS Post 115 to bring the Vietnam Veterans Memorial Wall that Heals to display in Kyle in 2023. ~ *Mariana Espinoza, Director of Parks & Recreation*

Kerman Hammond, Post Commander AMVETS Post 115, provided information on the item.

Council Member Flores-Cale moved to approve support for Central Texas AMVETS Post 115 to bring the Vietnam Veterans Memorial Wall that Heals to display in Kyle in 2023. Mayor Pro Tem Rizo seconded the motion.

Council Member Flores-Cale moved to amend her motion to add \$11,000 in support from Hotel Occupancy Tax funds and have Mariana Espinoza, Director of Parks & Recreation, provide three dates. Council Member Parsley seconded the motion. Motion carried 6-0.

Mayor Mitchell called for the vote on the original motion. Motion carried 6-0.

34. Consider and possible action to approve a Civil Service Agreement for the Kyle Police Department. ~ *Jerry Hendrix, Acting City Manager*

Mr. Hendrix presented the item. Officer Cleary, the President of KLEA, also provided information.

Council Member Flores-Cale moved to approve a Civil Service Agreement for the Kyle Police Department. Council Member Tobias seconded the motion. Motion carried 6-0.

35. Approve a Resolution amending the City's Personnel Policy for the accrual and payout of vacation and sick leave provisions affecting non-civil service employees as considered and approved by City Council on July 28, 2022. ~ *Sandra Duran, Director of Human Resources*

Council Member Tobias moved to approve a Resolution amending the City's Personnel Policy for the accrual and payout of vacation and sick leave provisions affecting non-civil service employees as considered and approved by City Council on July 28, 2022. Council Member Bradshaw seconded the motion.

Council Member Tobias moved to amend his motion to approve the resolution as effective on July 28, 2022. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

Mayor Mitchell called for the vote on the original motion. Motion carried 6-0.

36. Council Compensation Committee Recommendation. ~ *Rose Burke, Council Compensation Committee Chairperson*

Ms. Rose Burke presented the item. Mr. Phoenix Askevich and Mr. Mario Perez also provided information on the item. It was a consensus of Council to hold public hearings on August 22 and August 25 related to Council compensation. No action was taken.

37. Discussion and possible action on school zones. ~ *Robert Rizo, Mayor Pro Tem*

Chief Barnett provided information on this item. No action was taken.

38. Discussion and possible action to create a task force for 104 S. Burluson CIP Project. ~ *Travis Mitchell, Mayor*

Mayor Mitchell moved to create a task force for 104 S. Burluson CIP Project to include Council Members Parsley, Flores-Cale, and Mayor Mitchell. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

39. Conduct a public hearing to obtain comments on the City's Proposed Budget for Fiscal Year 2022-2023 totaling approximately \$206.0 million for all City Funds, including no changes in water service rates, no changes in wastewater service rates, no changes in storm drainage fees, a 2.49 percent increase in solid waste service charges (trash collection) per contract terms with TDS, all other fees and charges for various City services as provided for in the

fee schedule, capital improvement program expenditures, and the addition of 51.0 new full-time positions for a total of 356.0 positions. ~ *Jerry Hendrix, Acting City Manager*

Mayor Mitchell opened the public hearing at 11:54 p.m.

With no one wishing to speak, Mayor Mitchell closed the public hearing at 11:54 p.m.

40. Conduct a public hearing to obtain comments on the proposal to set the City's ad valorem tax rate (property tax rate) at \$0.5082 per \$100 of taxable assessed valuation for Fiscal Year 2022-2023 (Tax Year 2022). There is no change in the total tax rate from the current tax year. ~ *Jerry Hendrix, Acting City Manager*

Mayor Mitchell opened the public hearing at 11:54 p.m.

Mayor Mitchell read into the record, "This is the first of two public hearings scheduled on the City's proposed ad valorem tax rates for Tax Year 2022 (Fiscal Year 2023). The second public hearing on the City's proposed ad valorem tax rates will be held at 5:30 p.m., on August 25, 2022, at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640. The City's ad valorem tax rates for Tax Year 2022 are as follows: No-New-Revenue Tax Rate: \$0.4260 per \$100; Voter-Approval Tax Rate: \$0.5082 per \$100; Proposed Tax Rate: \$0.5082 per \$100. The Kyle City Council is scheduled to consider a proposal to set the ad valorem tax rate at \$0.5082 per \$100.00 of assessed taxable valuation for Tax Year 2022. The proposed ad valorem tax of \$0.5082 per \$100 is the same rate as the City's current adopted tax rate of \$0.5082 per \$100. The City's proposed ad valorem tax rate of \$0.5082 per \$100 is above the No-New-Revenue tax rate of \$0.4260 per \$100 and is the same as the Voter-Approval tax rate of \$0.5082 per \$100 for Tax Year 2022. During this meeting, the Kyle City Council is scheduled to vote on the ad valorem tax rate on First Reading of the Ordinance. The second reading of the Tax Rate Ordinance is scheduled at 5:30 p.m. on August 25, 2022. All Kyle taxpayers, residents, and members of the public are invited to attend and express their views at the public hearings and City Council meetings scheduled on the City's proposed property tax rates."

With no one wishing to speak, Mayor Mitchell closed the public hearing at 11:56 p.m.

41. (*First Reading*) Approve an Ordinance of the City of Kyle, Texas, adopting a budget totaling \$206.0 million for all City Funds for the ensuing Fiscal Year beginning October 1, 2022 and ending September 30, 2023; appropriating revenue and expenditure amounts thereof for all City Funds, authorizing no changes in water service rates, no changes in wastewater service rates, no changes in storm drainage fees, a 2.49 percent increase in solid waste services per contract terms with TDS, all other fees and charges for various City services as provided for in the fee schedule, capital improvement program expenditures, addition of 51.0 new full-time positions for a total of 356.0 full-time equivalent positions, carryover of encumbrances, all associated schedules and documents; and repealing all Ordinances in conflict herewith; and providing for an effective date. ~ *Jerry Hendrix, Acting City Manager*

Mayor Mitchell moved to approve the police incentive program for recruiting new police officers as presented by the Chief that includes three payments (the first payment after being sworn in, the second payment after completion of the field training program, and the final payment after completing the one-year civil service probationary period). Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

Mayor Pro Tem Rizo moved to amend the FY 2022-23 budget to add \$500,000 for designing a new park and reduce the fund balance in the Park Development Fund by the same amount. Council Member Tobias seconded the motion. Motion carried 6-0.

Council Member Flores-Cale moved to amend the proposed budget for FY 2022-23 to add \$15,000 to increase funding for the Arts in Public Places from \$50,000 to \$65,000 and reduce the fund balance in the Hotel Occupancy Tax Fund by the same amount. Mayor Pro Tem Rizo seconded the motion. Motion carried 5-0. Council Member Parsley left the dais at 12:06 a.m. and was absent for the vote.

Council Member Flores-Cale moved to amend the proposed budget for FY 2022-23 for the Parks & Recreation department to add \$97,351 for two (2) additional Parks Maintenance Technician positions increasing from three (3) to a total of five (5) proposed new Parks Maintenance Technician positions and reduce the fund balance in the General Fund by the same amount. Council Member Tobias seconded the motion. Motion carried 5-0.

Council Member Parsley returned at 12:09 a.m.

Mayor Pro Tem Rizo moved to amend the proposed budget for FY 2022-23 for the Facility Maintenance division to add \$47,335 for one (1) additional Building Maintenance Technician position increasing from one (1) to a total of two (2) proposed new Building Maintenance Technician positions and reduce the fund balance in the General Fund by the same amount. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

Council Member Parsley moved to amend the proposed budget for FY 2022-23 for the Police department to add \$71,737 for one (1) Neighborhood Services Supervisor position and reduce the fund balance in the General Fund by the same amount. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

Mayor Mitchell moved to amend the proposed capital improvements plan (CIP) budget for FY 2022-23 as follows to provide \$1,500,000 for property acquisitions: add \$1,500,000 in funding for Property Acquisitions CIP #14 in FY 2023 and defer \$1,500,000 in funding for New Roundabouts CIP #13 in FY 2023; and to amend the proposed capital improvements plan (CIP) budget for FY 2022-23 as follows to add \$4,223,300 in additional funding for the 104 S. Burleson project to provide total project funding of \$10,422,300 as estimated by BGK Architects; change funding source for Street Maintenance/Rehabilitation Program CIP #2 in the amount of \$750,000 from General Fund to Street Improvement Fund in FY 2023; change funding source for Kohlers Crossing Rehabilitation CIP #3 in the amount of \$2,000,000 from General Fund to Street Improvement Fund in FY 2023; change funding source for FM 150 Sidewalks CIP #5 in the amount of \$500,000 from General Fund to Street Improvement Fund in FY 2023; increase transfers-out from General Fund to General Fund CIP in the amount of \$973,300 and reduce fund balance in the General Fund by the same amount; defer expenditures totaling \$3,200,000 from FY 2023 to FY 2024 for the IH-35 Southbound Frontage at Marketplace Avenue to Center Street CIP #11 in the Street Improvement Fund; and reduce fund balance by \$50,000 in the Street Improvement Fund. Council Member Tobias seconded the motion. Motion carried 6-0.

Mayor Pro Tem Rizo moved to amend the proposed budget for FY 2022-23 for the Police department to add \$43,752 for the Opticom System and reduce fund balance in the General Fund by

the same amount; Reduce fund balance by \$43,752 in the General Fund. Council Member Parsley seconded the motion.

Mayor Pro Tem Rizo moved to amend his motion to direct staff to find funding for an additional \$20,000 to cover the full cost of the Opticom System bringing the budget for the item to \$63,752 and to reduce fund balance in the General Fund by the same amount. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

Mayor Mitchell called for the vote on the original motion. Motion carried 6-0.

Mayor Mitchell moved to approve a 20% increase in general wages, a \$1000 insurance card stipend and a \$500 car allowance for Directors. Council Member Bradshaw seconded the motion. Motion carried 6-0.

Mayor Mitchell moved to approve the proposed budget as amended. Council Member Flores-Cale seconded the motion.

Council Member Flores-Cale moved to direct staff to bring back a proposal for funding for storm shelters in the amount of \$85,000. Mayor Pro Tem Rizo seconded the motion. Motion carried 6-0.

Mayor Mitchell called for the vote on the original motion. Motion carried 6-0.

42. *(First Reading)* Approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax rate (property tax rate) for Fiscal Year 2022-2023 (Tax Year 2022) at \$0.5082 per \$100 of taxable assessed valuation; providing for the levying of ad valorem taxes for use and support of the municipal government of the City of Kyle for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023; providing for apportioning each tax levy for specific purposes; and providing when ad valorem taxes shall become due and when same shall become delinquent if not paid. ~ *Jerry Hendrix, Acting City Manager*

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, fixing the ad valorem tax rate (property tax rate) for Fiscal Year 2022-2023 (Tax Year 2022) at \$0.5082 per \$100 of taxable assessed valuation; providing for the levying of ad valorem taxes for use and support of the municipal government of the City of Kyle for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023; providing for apportioning each tax levy for specific purposes; and providing when ad valorem taxes shall become due and when same shall become delinquent if not paid. Council Member Flores-Cale seconded the motion. Motion carried 6-0.

IX. Executive Session

43. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.
1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - Kyle Uber \$3.14 Update
 - Pete Dressen Housing

- A settlement offer made in Cause No. 18-1282, Jesse Espinoza v. City of Kyle, Texas, in the 22nd Judicial District Court of Hays County, Texas
 - Case Number 407-18-3098, Jesus Espinoza v. Kyle Police Department in the State Office of Administrative Hearings
 - Meet & Confer Agreement
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 to deliberate the purchase of real property for public purpose.
 3. Personnel matters pursuant to Section 551.074.
 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
 - Project Traverse
 - Project Penny
 - Project Texas Original
 - Project Healing Energy
 - Project Green Leaf

44. Take action on items discussed in Executive Session.

There was no executive session.

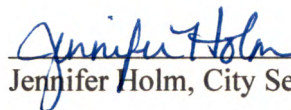
X. Adjourn

Mayor Mitchell moved to adjourn. Council Member Bradshaw seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 12:41 a.m. on August 17, 2022

Attest:


Travis Mitchell, Mayor


Jennifer Holm, City Secretary